

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal Number 1:04CR421
)	
REX B. WINGERTER,)	
)	
Defendant)	

STATEMENT OF FACTS

The United States and the defendant, Rex B. Wingerter, agree that had this matter proceeded to trial, the United States would have proven the facts outlined below beyond a reasonable doubt.

1. The defendant, Rex B. Wingerter, is an attorney licensed to practice law in the District of Columbia and the State of Maryland. At all times material to the defendant's plea agreement in this case, the defendant worked for Global Recruitment and Immigration Services, Inc. ("Global"), as in-house counsel.

2. Global was a business engaged in the provision of immigration-related services to aliens seeking to obtain alien registration receipt cards, commonly known as "green cards," to enter or remain in the United States. Global was owned by Naran S. Ivanchukov and was located in Falls Church, Virginia.

3. An alien seeking to immigrate to the United States may obtain an immigrant visa in order to perform skilled or unskilled labor in the United States. If approved, this employment-based visa allows the alien to come to the United States and to apply for lawful permanent residence. In order to apply for such a visa, however, an alien must first obtain a formal

certification from the Secretary of Labor that (a) there are insufficient U.S. workers qualified to do the work contemplated and (b) the employment of the alien would not adversely affect the wages and working conditions of U.S. workers similarly employed.

4. The Department of Labor does not permit an alien to apply for a labor certification on his or her own. Rather, the Department requires the alien's prospective employer to file on behalf of the alien an Application for Alien Employment Certification, officially known as a Department of Labor form ETA 750. This application has to be completed and signed under penalty of perjury by both the prospective employer and the alien. In part A of the application, the employer represents that the employer has a specific job to fill; describes the nature, location, terms, and requirements of the job; and lists the name, address, and immigration status of the alien seeking the job. In part B of the application, the alien lists his name, address, biographic information, and immigration status; describes his experience and qualifications for the job the employer is offering; and represents that he is willing and qualified to accept the job.

5. From at least in or about April 2000 through at least in or about August 2004, in the Eastern District of Virginia, Naran Ivanchukov knowingly and unlawfully conspired with Michelle Pappadakis (a.k.a. Michelle Ivanchukov), Bemba Basilrov (a.k.a. Bemba Basilrow), Robert Mahood, George Tsui, Paul Mederos, and others to commit immigration fraud, to make false statements, and to encourage aliens to enter the United States unlawfully, in violation of 18 U.S.C. §§ 371, 1001, and 1546, and 8 U.S.C. § 1324. In particular, Naran Ivanchukov, Michelle Pappadakis (a.k.a. Michelle Ivanchukov), Bemba Basilrov (a.k.a. Bemba Basilrow), Robert Mahood, George Tsui, Paul Mederos, and others knowingly and unlawfully conspired to submit fraudulent labor certification applications to the Department of Labor on behalf of Global's

immigrant clients and four regional employers: East Coast Fabricators, Cleaners of America, Two Brothers, and D.R. Horton.

6. During the course of the conspiracy, Naran Ivanchukov, Michelle Pappadakis (a.k.a. Michelle Ivanchukov), Bemba Basilrov (a.k.a. Bemba Basilrow), Robert Mahood, George Tsui, Paul Mederos, and others did in fact submit fraudulent labor certification applications to the Department of Labor on behalf of Global's immigrant clients and East Coast Fabricators, Cleaners of America, Two Brothers, and D.R. Horton. All of these applications claimed that the defendant was the authorized agent of both the immigrant and the employer, and included a Notice of Entry of Appearance, form G-28, in which Global claimed that the defendant was attorney of record for both the immigrant and the employer. All of the applications contained numerous falsehoods, including (1) forged signatures of the immigrant clients, (2) forged signatures of purported officers of East Coast Fabricators, Cleaners of America, Two Brothers, and D.R. Horton, (3) false job offers, (4) false job descriptions, and (5) false claims concerning the recruitment of U.S. workers. All of these falsehoods were material to the adjudication of the applications and, had they been known to the Department of Labor, would have caused the Department of Labor to deny the applications. In several instances, the Department of Labor approved the false applications, and these same approved applications were then used by the alien beneficiaries to obtain visas and to enter the United States.

7. During the course of the conspiracy, the defendant became aware or was presented with circumstances that indicated that many of the applications Global was pursuing on behalf of East Coast Fabricators, Cleaners of America, Two Brothers, and D.R. Horton were fraudulent. Specifically, during the course of the conspiracy the defendant became aware of the following:

- a. That Global employees were and had been forging his signature on numerous ETA 750 applications, forms G-28, and related documents in a manner that suggested that he had reviewed the applications, forms G-28, and related documents when he had not.
- b. That Global employees were forging the signatures of immigrant clients and the officers of East Coast Fabricators, Cleaners of America, Two Brothers, and D.R. Horton on numerous ETA 750 applications, forms G-28, and related documents in a manner that suggested that they had reviewed or authorized the applications, forms G-28, and related documents when they had not.
- c. That Global employees were using a “light box” to forge signatures in a way that made them appear genuine.
- d. That Global had submitted many more ETA 750 applications for cleaning supervisors on behalf of Cleaners of America than Cleaners of America appeared capable of hiring.
- e. That Global was asserting that the defendant represented immigrants and employers for the purposes of ETA 750 applications even though the defendant infrequently met or conversed with the immigrants or employers.
- f. That the government was investigating Global’s submission of ETA 750 applications on behalf of East Coast Fabricators, Cleaners of America, Two Brothers, and D.R. Horton.
- h. That Global was mis-informing its immigrant clients about the status of the aliens’ ETA 750 applications through East Coast Fabricators, Cleaners of America, Two Brothers, and D.R. Horton.
- i. That Global was charging its immigrant clients substantial fees to prepare their ETA 750 applications and was paying the purported officers of some of the employers money in return for supporting the application.

8. Despite becoming aware that Naran Ivanchukov, Michelle Pappadakis (a.k.a. Michelle Ivanchukov), Bemba Basilrov (a.k.a. Bemba Basilrow), Robert Mahood, George Tsui, Paul Mederos, and others were committing immigration fraud and making false statements through Global’s efforts to file ETA 750 applications with the Department of Labor, the defendant did not notify federal judicial or law enforcement authorities of the fraud, nor did he

take steps to stop the fraud. In addition, the defendant took at least two steps to conceal the crime. First, the defendant instructed employees at Global to start writing their initials next to his signature whenever they forged it, but further instructed the same employees to refrain from marking their initials whenever they forged an immigrant's or an employer's signature on an ETA 750 application (or related documents). The defendant instructed the employees so because he was concerned that if the employees began to initial the forged signatures of the immigrants and employers on the ETA 750 applications, the initials would expose the fact that the signatures were in fact forgeries. Second, the defendant repeatedly informed the Department of Labor and certain immigrant clients that certain of the employer sponsors had decided to abandon certain ETA 750 applications for economic reasons when in fact he knew or should have known that it was because the government was investigating Global.

9. For the purposes of this statement of facts, the defendant acknowledges (a) that the violations of 18 U.S.C. §§ 371, 1001, and 1546, and 8 U.S.C. § 1324 of which the defendant was aware involved substantially more than one hundred fraudulent ETA 750 applications; (b) that these same applications contained false statements that were material to their adjudication; (c) that an ETA 750 application is an application required by the immigration laws and the regulations prescribed thereunder; (d) that the Department of Labor is a department within the executive branch of the United States; and (e) that the defendant abused a position of public trust in the commission of his offense.

10. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact

known to the defendant or the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

11. The actions of the defendant as recounted above were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

Respectfully submitted,

PAUL J. McNULTY
UNITED STATES ATTORNEY

By: _____
James P. Gillis
Assistant United States Attorney

Defendant's Stipulation and Signature

After consulting with my attorney and pursuant to the plea agreement I have entered into this day with the United States, I hereby stipulate that the above statement of facts is true and accurate, and that had the matter proceeded to trial, the United States would have proven the same beyond a reasonable doubt.

Rex B. Wingerter
Defendant

Defense Counsel's Signature

I am the defendant's attorney. I have carefully reviewed the above statement of facts with the defendant. To my knowledge, the defendant's decision to stipulate to these facts is an informed and voluntary one.

Danny Onorato, Esq.
Counsel to the Defendant